

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.75432 of 2018

Arising Out of PS. Case No.-168 Year-2018 Thana- PHULPARAS District- Madhubani

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1. Amarjit Kumar Mandal @ Amarjit Mandal, S/o Arun Kumar Mandal, R/o Village-Parsadham, P.S. Sangram (O.P.), District-Madhubani.
2. Kamlesh Kumar Mahto @ Kamlesh Mahto. S/o Ram Lakhan Mahto, R/o Village-Sangram, P.S. Sangram (O.P.), District-Madhubani.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha
For the Opposite Party/s : Mr. Awadhesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 14-12-2018 Heard learned counsel for the petitioners and learned
APP for the State.

The petitioners are apprehending their arrest in a case registered under Sections 272, 273 of the IPC and Section-30(a) (d)of the Bihar Prohibition and Excise Act, 2016.

The prosecution case, in short, is that 1235 liters wine is recovered.

It has been submitted on behalf of the petitioners that there is no allegation of tampering of witnesses alleged against the petitioners. The name of the petitioners has transpired on the basis of disclosure made by the co-accused Sanjay Kamat and Kasendra Kamat. Except for this, there is no other substantive evidence to suggest the implication of the petitioners in this case. It is alleged



that 1235 liters wine is recovered from a pick up Van and house of Baiju Karodi. The pick up Van in question does not belong to the petitioners. Nothing incriminating has been recovered from the conscious possession of the petitioners. The petitioners had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr.P.C.

On behalf of the State, it is submitted that the petitioners are named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioners, above named, in the event of arrest/surrender before the learned court below within a period of six weeks from today, be released on anticipatory bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II-cum-Special Judge, Excise Act, Madhubani in connection with Phulparas P.S. Case No. 168 of 2018, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

(Sudhir Singh, J)

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